

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 13859-AG15-0402-093

IN THE MATTER OF:)
)
Trinh Ngoe Tran,)
)
Producer / Respondent.)
)
License No.: 467168)
)
759 Oak St. #D)
)
Lakewood, CO 80215)
)
Type of Action: Enforcement)

FILED

AUG 07 2015

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On June 15, 2015, the Administrative Law Judge, Rueben B. Hill, filed his Default Order in the above-captioned matter.

1. The Department served the Default Order on Respondent by mailing the same to his home address of record.
2. The Department has complied with the notice requirements of Ind. Code §4-21.5-3-17.
3. Neither party has filed an objection with the Commissioner regarding the Administrative Law Judge's Default Order, and more than eighteen (18) days have elapsed.

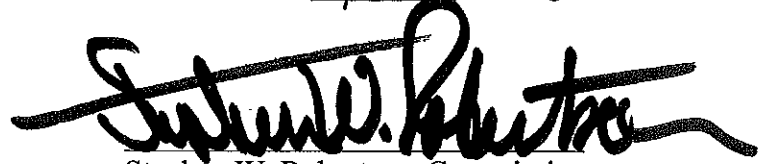
Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Default Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Respondent's Producer Insurance License Number: 467168 is permanently revoked.

2. Respondent is to pay a civil penalty in the amount of Five Hundred Dollars (\$500.00) within ninety (90) days.

ALL OF WHICH IS ORDERED by the Commissioner this 7 day of August, 2015.

A handwritten signature in black ink, appearing to read "Stephen W. Robertson", written over a horizontal line.

Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Trinh Ngoe Tran
759 Oak St. #D
Lakewood, CO 80215

Joshua Harrison
Indiana Department of Insurance
Enforcement Division
311 West Washington Street, Suite 103
Indianapolis, IN 46204-2787

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
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CAUSE NO.: 13859-AG15-0402-093

IN THE MATTER OF:)

Trinh Ngoc Tran)
Respondent)

759 Oak St. #D)
Lakewood, CO 80215)

License Number: 467168)

Type of Action: Enforcement)

FILED

JUN 15 2015

STATE OF INDIANA
DEPT. OF INSURANCE

DEFAULT ORDER

The Department of Insurance, having considered the Notice of Proposed Default Order issued May 14, 2015, and being otherwise duly advised, now finds that the Respondent should be, and is hereby, DEFAULTED.

SO ORDERED, this 15th day of June, 2015.



Ruben Hill
Administrative Law Judge

Distribution to:

Trinh Ngoc Tran
759 Oak Street, #D
Lakewood, CO 80215

Joshua D Harrison
Indiana Department of Insurance
311 W. Washington St., Suite 300
Indianapolis, IN 46204

STATE OF INDIANA)
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BEFORE THE INDIANA
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CAUSE NO.: 13859-AG15-0402-093

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STATE OF INDIANA
DEPT. OF INSURANCE

MOTION FOR SUMMARY JUDGMENT

Comes now the Indiana Department of Insurance (“Department”) and files its Motion for Summary Judgment pursuant to Indiana Code 4-21.5-3-23 and Indiana Rules of Trial Procedure 56 in the above captioned cause. In support of said motion, the Department states as follows:

Facts:

1. Trinh Ngoc Tran (“Respondent”) is a non-resident insurance producer under license # 467168.
2. Indiana Code 27-1-15.6-12(g) states that a licensed producer must furnish the commissioner with a full and complete report listing each insurer with which the licensee has held an appointment during the year preceding within ten (10) days of a request.

3. On March 9, 2015, Melissa Higgins, investigator with the Department, mailed Respondent a certified letter requesting a list of appointments. (See Department's Exhibit A, "Affidavit of Melissa Higgins")
4. On March 14, 2015, certified mail article # 9214 8901 0661 5400 0051 9110 09 had a notice left (no authorized recipient available) by the United States Postal Service ("USPS"). (Id)
5. On March 18, 2015, certified mail article # 9214 8901 0661 5400 0051 9110 09 was marked available for pickup by the United States Postal Service ("USPS"). (Id)
6. The Department has not received any response to the Commissioner's request for a list of appointments. (Id)

Argument:

1. Indiana Code 4-21.5-3-23(a) states that a party may, at any time after a matter is assigned to an administrative law judge, move for a summary judgment in the party's favor as to all issues in the proceeding.
2. Indiana Code 4-21.5-3-23(b) states that an administrative law judge shall consider a motion filed under subsection (a) as would a court that is considering a motion for summary judgment filed under Trial Rule 56 of the Indiana Rules of Trial Procedure.
3. Trial Rule 56 states that that judgment sought shall be rendered forthwith if the designated evidentiary matter shows that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.

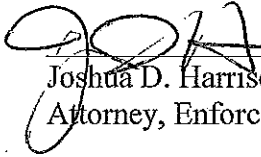
4. Trial Rule 56 states that if the Respondent fails to set forth specific facts showing there is a genuine issue, then summary judgment, if appropriate, shall be entered against him.
5. Indiana Code 27-1-15.6-2(b)(2)(A) provides that the commissioner may levy a civil penalty, place an insurance producer on probation, suspend a producer's license, permanently revoke an insurance producer's license, or any combination of these actions for violating an insurance law of Indiana.
6. Respondent has failed to provide a list of appointments within ten (10) days as required under Indiana Code 27-1-15.6-12(g). (Exhibit A)
7. There is no genuine issue of material fact as to the Respondent's lack of communication with the Department in furnishing the requested list of appointments.
8. As such, the Department is entitled to a judgment against the Respondent as a matter of law.

WHEREFORE, the Enforcement Division of the Indiana Department of Insurance, by counsel, Joshua D. Harrison, requests that the Court enter judgment against the Respondent and recommend to the Commissioner an order that:

- (1) Respondent's non-resident producer's license is permanently revoked;
- (2) Respondent shall pay a civil penalty in the amount of ten thousand dollars (\$10,000.00);

and all other relief necessary and proper upon the premise.

Respectfully submitted,

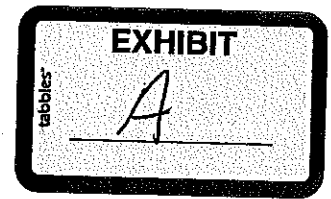

Joshua D. Harrison, #27145-49
Attorney, Enforcement Division

Certified Mail Receipt Number:

| Copies to:

Trinh Ngoc Tran
759 Oak St. #D
Lakewood, CO 80215

Joshua D Harrison
Indiana Department of Insurance
311 West Washington St. #103
Indianapolis, IN 46204-2787



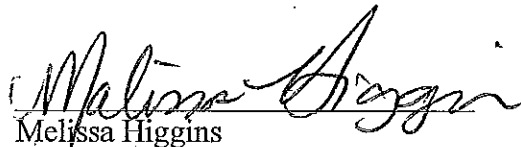
Affidavit of Melissa Higgins

I, Melissa Higgins, do swear and affirm under the penalty for perjury that the foregoing statements are true and accurate to the best of my ability.

My name is Melissa Higgins. I am an investigator with the Indiana Department of Insurance. My responsibilities include reviewing insurance license applications for violations of the "Producer Statute", which is Indiana Code 27-1-15.6-12, as well as investigating consumer complaints against licensed producers and agencies in Indiana.

On February 23, 2015, I was assigned to an investigation of a non-resident insurance producer by the name of Trinh Ngoc Tran. The investigation originated when the Department of Insurance was made aware of a criminal conviction in the state of Georgia. As part of my investigation, I sent a certified letter requesting a list of appointments from Tran pursuant to Indiana Code 27-1-15.6-12(g). The code states that a licensed producer must furnish a complete list of appointments within ten (10) days of a request from the Commissioner of the Department of Insurance. I sent the certified letter on March 9, 2015 under certified mail article #9214 8901 0661 5400 0051 9110 09 to the address on file with the Department of Insurance for Tran. On March 14, 2015, that certified mail had a note on the United States Postal Service website indicating that a no authorized recipient was available for delivery. On March 18, 2015, the United States Postal Service website indicated that the mail was available for pickup.

Tran has made no contact with the Department of Insurance regarding the request for the list of appointments. I have had no contact with Tran in regards to the Administrative Complaint.


Melissa Higgins

Date: 6/10/15

STATE OF INDIANA)
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Respondent)

759 Oak St. #D)
Lakewood, CO 80215)

License Number: 467168)

Type of Action: Enforcement)

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STATE OF INDIANA
DEPT. OF INSURANCE

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
ORDER ON MOTION FOR SUMMARY JUDGMENT**

Having considered the Motion for Summary Judgment pursuant to Indiana Code 4-21.5-3-23 and Indiana Rules of Trial Procedure 56 filed by the Indiana Department of Insurance (the "Department") in the above captioned cause, the Administrative Law Judge now makes the following Findings of Fact, Conclusions of Law, and Recommended Order:

Findings of Fact

1. Trinh Ngoc Tran ("Respondent") is a non-resident insurance producer under license # 467168.
2. Indiana Code 27-1-15.6-12(g) states that a licensed producer must furnish the commissioner with a full and complete report listing each insurer with which the licensee has held an appointment during the year preceding within ten (10) days of a request.

3. On March 9, 2015, Melissa Higgins, investigator with the Department, mailed Respondent a certified letter requesting a list of appointments. (See Department's Exhibit A, "Affidavit of Melissa Higgins")
4. On March 14, 2015, certified mail article # 9214 8901 0661 5400 0051 9110 09 had a notice left (no authorized recipient available) by the United States Postal Service ("USPS"). (Id)
5. On March 18, 2015, certified mail article # 9214 8901 0661 5400 0051 9110 09 was marked available for pickup by the United States Postal Service ("USPS"). (Id)
6. The Department has not received any response to the Commissioner's request for a list of appointments. (Id)
7. On April 23, 2015 the Department issued an Administrative Complaint, outlining the above violation, requesting the revocation of Respondent's license, and a civil penalty of one thousand dollars (\$1000.00).
8. A pre-hearing conference on the Department's Administrative Complaint was set for May 14, 2015 at 1:00 pm.
9. On May 14, 2015, the Respondent failed to appear for the pre-hearing conference. As such, a Proposed Default Order was entered by the Administrative Law Judge indicating that a failure to respond within ten (10) days of the Proposed Order would result in a Default Order, and the resolution of the matter without Respondent's participation.
10. As of the date of this Order, no further correspondence from Respondent has occurred.

Conclusions of Law

1. The Commissioner of Insurance has jurisdiction over both the subject matter and the parties to this action.
2. Service of process was completed via the United States Mail in compliance with the statute and due process requirements.
3. Indiana Code 4-21.5-3-23(a) states that a party may, at any time after a matter is assigned to an administrative law judge, move for a summary judgment in the party's favor as to all issues in the proceeding.
4. Indiana Code 4-21.5-3-23(b) states that an administrative law judge shall consider a motion filed under subsection (a) as would a court that is considering a motion for summary judgment filed under Trial Rule 56 of the Indiana Rules of Trial Procedure.
5. Trial Rule 56 states that that judgment sought shall be rendered forthwith if the designated evidentiary matter shows that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.
6. Trial Rule 56 states that if the Respondent fails to set forth specific facts showing there is a genuine issue, then summary judgment, if appropriate, shall be entered against him.
7. Indiana Code 27-1-15.6-2(b)(2)(A) provides that the commissioner may levy a civil penalty, place an insurance producer on probation, suspend a producer's license, permanently revoke an insurance producer's license, or any combination of these actions for violating an insurance law of Indiana.
8. Respondent has failed to provide a list of appointments within ten (10) days as required under Indiana Code 27-1-15.6-12(g). (Exhibit A)

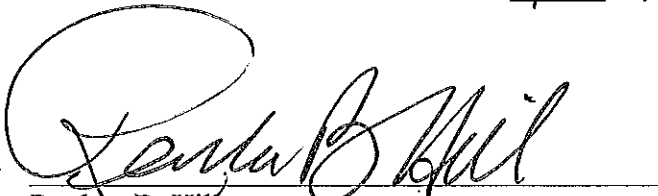
9. There is no genuine issue of material fact as to the Respondent's lack of communication with the Department in furnishing the requested list of appointments.

10. As such, the Department is entitled to a judgment against the Respondent as a matter of law.

WHEREFORE, the Administrative Law Judge hereby enters judgment against the Respondent and recommends to the Commissioner an order that:

- (1) Respondent's non-resident producer's license is permanently revoked;
 - (2) Respondent shall pay a civil penalty in the amount of five hundred dollars (\$500.00);
- and all other relief necessary and proper upon the premise.

ALL OF WHICH IS ORDERED this 15th day of June, 2015.


Reuben B. Hill
Administrative Law Judge

Dated: 6-15-15

Copies to:

Trinh Ngoc Tran
759 Oak St. #D
Lakewood, CO 80215

Joshua D Harrison
Indiana Department of Insurance

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